

O P E
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/30 (01-03)

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image

RCE/1700
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~~TRADEMARK~~ Request
For
Continued Examination (RCE)
Transmittal

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

| | |
|------------------------|-------------------------|
| Application Number | 09/837,094 |
| Filing Date | April 18, 2001 |
| First Named Inventor | SHEPPARD, Jr., James M. |
| Art Unit | 1771 |
| Examiner Name | BEFUMO, Jenna Leigh |
| Attorney Docket Number | 3129 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
- | | |
|---|--|
| i. <input checked="" type="checkbox"/> Amendment/Reply | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. Deposit Account No. _____
- i. RCE fee required under 37 CFR 1.17(e) 09/26/2003 BABRAHA1 00000049 09837094
- ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 375.00 OP
- iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------|-----------------------------------|------------|
| Name (Print/Type) | GREGORY N. CLEMENTS | Registration No. (Attorney/Agent) | 30,713 |
| Signature | | Date | 09/22/2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|------------------|------|------------|
| Name (Print/Type) | Barbara C. Brown | Date | 09/22/2003 |
| Signature | | | |

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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SEP 25 2003

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 205.00)

Complete if Known

| | |
|----------------------|------------------------|
| Application Number | 09/837,094 |
| Filing Date | 04/18/2001 |
| First Named Inventor | James M. SHEPPARD, JR. |
| Examiner Name | Jenna Leigh BEFUMO |
| Group Art Unit | 1771 |
| Attorney Docket No. | 3129 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

| | |
|------------------------|-----------------------------|
| Deposit Account Number | 04-1448 |
| Deposit Account Name | Dougherty, Clements & Hofer |

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

| | | | |
|--------------------------------|---|--------------------------------------|--------------------------------|
| <input type="checkbox"/> Check | <input checked="" type="checkbox"/> Credit card | <input type="checkbox"/> Money Order | <input type="checkbox"/> Other |
|--------------------------------|---|--------------------------------------|--------------------------------|

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee Description | Fee Paid |
|--------------------------|----------|----------|---------------------------|----------|
| 101 | 740 | 201 | 370 Utility filing fee | |
| 106 | 330 | 206 | 165 Design filing fee | |
| 107 | 510 | 207 | 255 Plant filing fee | |
| 108 | 740 | 208 | 370 Reissue filing fee | |
| 114 | 160 | 214 | 80 Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | 0.00 |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|-------------|
| Independent Claims | -20** = | X | = |
| Multiple Dependent | -3** = | X | = |
| | | | 0.00 = 0.00 |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee Description |
|--------------------------|----------|----------|--|
| 103 | 18 | 203 | 9 Claims in excess of 20 |
| 102 | 84 | 202 | 42 Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | | |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-----------------------------------|----------------------------|--|----------|
| 105 | 130 | 205 Surcharge - late filing fee or oath | |
| 127 | 50 | 227 Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 Non-English specification | |
| 147 | 2,520 | 147 2,520 For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 920* Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 1,840* Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 Extension for reply within first month | |
| 116 | 400 | 216 Extension for reply within second month | 205.00 |
| 117 | 920 | 217 Extension for reply within third month | |
| 118 | 1,440 | 218 Extension for reply within fourth month | |
| 128 | 1,960 | 228 Extension for reply within fifth month | |
| 119 | 320 | 219 Notice of Appeal | |
| 120 | 320 | 220 Filing a brief in support of an appeal | |
| 121 | 280 | 221 Request for oral hearing | |
| 138 | 1,510 | 138 1,510 Petition to institute a public use proceeding | |
| 140 | 110 | 240 Petition to revive - unavoidable | |
| 141 | 1,280 | 241 Petition to revive - unintentional | |
| 142 | 1,280 | 242 Utility issue fee (or reissue) | |
| 143 | 460 | 243 Design issue fee | |
| 144 | 620 | 244 Plant issue fee | |
| 122 | 130 | 122 Petitions to the Commissioner | |
| 123 | 50 | 123 Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 Request for Continued Examination (RCE) | 375.00 |
| 169 | 900 | 169 Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | |
| *Reduced by Basic Filing Fee Paid | | | |
| SUBTOTAL (3) (\$) | | | |

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$)** 580.00**SUBMITTED BY****Complete (if applicable)**

| | | | | | |
|-------------------|----------------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Gregory N. Clements | Registration No. (Attorney/Agent) | 30,713 | Telephone | 704-366-6642 |
| Signature | <i>Gregory N. Clements</i> | | | Date | 09/22/2003 |

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.